IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.641 OF 2006

In

CRIMINAL APPEAL NO.592 OF 2006

1. Balu Motiram Jadhav,
   Age 44 years, resident of
   Mongse, Tal. Malegaon.
2. Seetabai Daga Shirsath,
   Age 49 years, resident of
   Meshi, Tal. Deola, District Nashik
   (At present as undertrial in
   Nasik Central Prison, Nasik). : Applicants
   (Orig. Accused)

V/s.

The State of Maharashtra
Through P.I. Malegaon Taluka Police
Station, Malegaon, District Nasik. : Respondent

...

Mrs.Sulbha A. Dhamale for the applicants.

Mrs.V.R.Bhonsale, Addl. Public Prosecutor for the State.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JULY 5, 2006.

P.C.

1. Heard the Advocate for the applicants-accused and the

learned Addl. Public Prosecutor for the State.

2. Both these applicants-accused have been convicted for the offence punishable under section 302 read with 34 of the Indian Penal Code. Accused No.1 is the husband of the deceased and accused No.2 is his sister. In the dying declaration, the victim has alleged that both these accused poured kerosene upon her and set her ablaze. Accused No.2 Seetabai Daga Shirsath was on bail during trial. She is 50 years of age. Even according to the prosecution, before the incident, accused No.2 was brought to the house with a view to patch up the differences between accused No.1 and the deceased.

3. Considering the above facts, the prayer of applicant No.2 (original accused No.2) for bail is granted. The prayer of applicant No.1 (original accused No.1) for bail is rejected. Accused No.2 Seetabai Daga Shirsath be released on bail on P.R. bond of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) with one or two solvent sureties in the like amount.

4. The Criminal Application is disposed of.

D.G. DESHPANDE, J.

S.A. BOBDE, J.